

impose a new Federal requirement. Therefore, the EPA certifies that this disapproval action would not have a significant impact on a substantial number of small entities because such disapproval would not remove existing State requirements nor does it substitute a new Federal requirement.

Executive Order 12291

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. The EPA submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on the EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 16, 1993.

Joe D. Winkle,

Acting Regional Administrator (6A).

[FR Doc. 93-23307 Filed 9-22-93; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 81

[IA 6-1-6061; FRL-4734-6]

Designation of Areas for Air Quality Planning Purposes; State of Iowa; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: On August 24, 1993 (58 FR 44639), EPA proposed to revise the sulfur dioxide (SO₂) designation for part of Muscatine County, Iowa. This notice corrects the description of the area proposed to be redesignated to nonattainment. The correct area description is: T 77 N, R 2 W, Sections 26, 27, 34, 35; and T 76 N, R 2 W, Sections 2, 3, 10, 11, 14, 15, 22, 27, 28, 33, 34, Muscatine County, Iowa. Since the affected sources in the area are presently aware of this correction, no extension to the comment period is planned. However, an extension to the

comment period will be considered if requested by an interested person, based on a showing that additional time for comment is necessary in light of this correction.

DATES: As noted in the August 24, 1993, **Federal Register**, the comment period closes October 25, 1993.

ADDRESSES: Comments may be mailed to Wayne A. Kaiser, U.S. Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne A. Kaiser at (913) 551-7603.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 13, 1993.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 93-23203 Filed 9-22-93; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding on Petition To Remove the Mexican Spotted Owl From the List of Endangered and Threatened Wildlife and Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to remove the Mexican spotted owl (*Strix occidentalis lucida*) from the List of Endangered and Threatened Wildlife and Plants. The Service has determined that the petition did not present substantial scientific or commercial information indicating that delisting the Mexican spotted owl may be warranted.

DATES: The finding announced in this notice was made on September 16, 1993.

ADDRESSES: Information, comments, or questions concerning the petitioned action may be submitted to the Listing Coordinator, Southwest Region, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87102. The petition, finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Steve Spangle, Listing Coordinator, at the above address (telephone 505/766-3972).

SUPPLEMENTARY INFORMATION:

Background

The Mexican spotted owl (*Strix occidentalis lucida*) was listed as a threatened species effective April 15, 1993 (58 FR 14248-14271) (final rule). The main reasons cited for conferring threatened status on the subspecies included the present or threatened destruction, modification, or curtailment of its habitat or range, and the inadequacy of existing regulatory mechanisms. Less important factors included the potential for catastrophic wildfire, and potential competition and/or predation by other raptors including the great horned owl (*Bubo virginianus*) and red-tailed hawk (*Buteo jamaicensis*).

On June 25, 1993, the Service received a petition from the Board of Supervisors of Apache County, Arizona (petitioners) to remove the Mexican spotted owl from the List of Endangered and Threatened Wildlife and Plants (delist). Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**.

This finding is based on various documents, including the final rule, the petition, and published and unpublished reports. All of these documents are on file in the Service's Southwest Regional Office (see **ADDRESSES** section).

The main reasons stated by the petitioners for delisting the Mexican spotted owl involved the loss of jobs, business, education, recreation, wildlife, fisheries, and forest health, as well as fire danger and watershed concerns. Pursuant to section 4(b)(1)(A) of the Act, listing determinations shall be made "solely on the basis of the best scientific and commercial data available * * *". Regulations implementing the Act further state that "The [Service] shall make any [listing] determination * * * solely on the basis of the best available scientific and commercial information regarding a species' status, without reference to possible economic or other

impacts of such determination." (50 CFR 424.11(b)).

The impacts of listing the Mexican spotted owl on jobs, business, education, recreation, [other] wildlife, fisheries, and watershed concerns are not relevant to the subspecies' status and thus cannot be considered in making listing determinations. These impacts can, however, be considered when designating critical habitat for a listed species. While the Service may share with the petitioners many of the concerns brought forth in the petition, those effects will be addressed no further in this 90-day finding. However, the petitioners presented information concerning forest health and fire susceptibility, which are both factors influencing the status of the species and will therefore be addressed further.

The petitioners state that the forests are currently in a condition that is considerably more dense than in times of pre-European settlement, and that the current timber stands are currently at great risk of disease and catastrophic fire. Accumulation of both standing and down fuels are also cited as factors causing high risk to forest health. The Service concurs that many areas of the Southwest are at substantial risk of catastrophic fire, and that risk was cited

as a factor for listing the subspecies in the final rule.

The petitioners state that listing of the Mexican spotted owl and the resulting space anticipated "recovery strategy" will hamper efforts to manage for healthy forests and reduce accumulated fuels and dense forest understories caused by decades of fire suppression.

Consideration of fuel loading and long-term forest health will be essential in the Service's development of a comprehensive plan to conserve the Mexican spotted owl. Therefore, the Service does not agree with the petitioners' statement that the listing of the Mexican spotted owl will lead to further forest degradation, since such degradation would be detrimental to the conservation of the Mexican spotted owl. The Service will address all aspects of forest health as they relate to the status of the Mexican spotted owl during the recovery planning process. Because forest health and fire risk have been identified as factors putting the subspecies at risk, the listing of the Mexican spotted owl can be expected to promote, rather than proscribe, addressing these issues.

Based on the foregoing analysis, the Service determines that the petition, publications referenced in the petition, or information otherwise available to

the Service, do not present substantial information indicating that the petitioned action may be warranted.

References

The petition and all attachments to the petition are available for inspection, during normal business hours, at 500 Gold Avenue Southwest, Albuquerque, New Mexico, or copies may be obtained by writing to the Service's Southwest Regional Director (see ADDRESSES section).

Author

The primary author of this notice is Steve Spangle of the Southwest Regional Office, Fish and Wildlife Service (see ADDRESSES section).

Authority

The authority for this action is 16 U.S.C. 1531-1544.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: September 16, 1993.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 93-23305 Filed 9-22-93; 8:45 am]

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